



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Paul M. Cosenza
Serial No. : 10/083,000
Filed : February 26, 2002
Title : DEER TICK PROTECTION DEVICE

Art Unit : 3643
Examiner : Tara M. Golba

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION BY DEBORAH SECORD IN SUPPORT OF INVENTOR'S
DECLARATION UNDER 37 CFR 1.131

I, Deborah Secord, hereby declare that:

1. I am CEO of Precision Tape & Label, Inc., which has a place of business at 322 West Street, Uxbridge, Massachusetts 01569. Precision Tape & Label is a custom converter of adhesive tape and label products.

2. Beginning in November 2000, and continuing for a period of approximately four months thereafter, I worked with Paul Cosenza on development of his deer tick protection products, including his efforts to develop an optimal adhesive formulation. The product, as he described it to me, was a set of protection elements, each protection element consisting of a substrate with an adhesive layer at each surface. The inner adhesive surface provided removable attachment of the protection element upon clothing surfaces in regions adjacent to clothing openings where an outer adhesive surface was exposed to securely trap deer ticks that contact the surface. One or both adhesive surfaces were covered with removable release sheets prior to use. He also mentioned a second embodiment with a shield extending outwards, generally above the outer adhesive layer, to shield the adhesive surface from the elements (rain, dew, dust, leaves, grasses, etc.) for extending the effective life of the protection element.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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3. The deer tick prevention product, as Paul Cosenza described it to me, was within the manufacturing capabilities of Precision Tape & Label, and we manufactured a number of prototype products for evaluation by Mr. Cosenza. I observed that the prototype protection elements that we manufactured performed in the manner described above, that is, he selected a protection element from a set of protection elements consisting of an elongate substrate having a first, inner surface and an opposite, second, outer surface, a first, inner adhesive layer adhered upon the first, inner surface of the substrate and having an adhesive surface, and a second, outer adhesive layer adhered upon the second, outer surface of the substrate and having an adhesive surface. He exposed the adhesive surface of the first, inner adhesive layer and applied the adhesive surface to a clothing surface for removable attachment of the protection element adjacent to a clothing opening. He then exposed the adhesive surface of the second, outer adhesive layer to impede advancement of insects crawling upon the clothing surface from proceeding across the adhesive surface toward the clothing opening.

4. Mr. Cosenza told me that the prototype protection elements worked in the manner that he envisioned for his invention.

I hereby declare that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of declarant: DEBORAH SECORD

Declarant's signature: Deborah Secord

Date: 4/21/04

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SUPPLEMENTAL DECLARATION BY THE INVENTOR UNDER 37 CFR 1.131

As a below-named inventor, I hereby declare that:

1. Prior to December 4, 2000, which is the effective filing date the cited reference, Arber U.S. Patent No. 6,353,939, I conceived of the inventions of claim1 and claim16, the sole independent claims of my above-captioned patent application, and of at least dependent claims 2-9, 11 and 17-22, and from prior to December 4, 2000, I was diligent in reducing and/or in constructively reducing these inventions to practice, including by filing U.S. Provisional Patent Application No. 60/274,325, from which the present application claims benefit, on March 8, 2001.

2. The invention of claim 1, as amended, is directed to a protection device for use during outside activities for protection of a wearer against crawling insects such as deer ticks carrying Lyme Disease. The protection device consists generally of a set of protection elements. Each protection element in the set consists of an elongate substrate having an inner surface and an opposite outer surface, with an inner adhesive layer adhered upon the inner surface of the substrate and defining an adhesive surface that, upon exposure, releasably adheres the protection element upon a clothing surface in a region adjacent to a clothing opening, and an outer adhesive layer adhered upon the outer surface of the substrate and defining an adhesive surface that, upon

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exposure, acts to impede advancement of insects crawling upon the clothing surface into contact with the adhesive surface of the outer adhesive layer from proceeding thereacross toward a clothing opening.

3. The invention of claim 16, as amended, is directed to a method for protection against insects such as deer ticks carrying Lyme Disease crawling upon a clothing surface of a wearer toward a clothing opening, the method comprising the steps of: selecting a protection element from a set of protection elements consisting of an elongate substrate having an inner surface and an opposite outer surface, an inner adhesive layer adhered upon the inner surface of the substrate and having an adhesive surface, and an outer adhesive layer adhered upon the outer surface of the substrate and having an adhesive surface; exposing the adhesive surface of the inner adhesive layer; applying the adhesive surface of the inner adhesive layer to a clothing surface to removably attach the protection element to the clothing surface adjacent to a clothing opening; and exposing the adhesive surface of the outer adhesive layer to impede advancement of insects crawling upon the clothing surface from proceeding across the adhesive surface of the outer adhesive layer, toward the clothing opening.

4. The inventions of at least claims 1-13 and 15-22 of the above-captioned patent application are described in full in my U.S. Provisional Patent Application No. 60/274,325.

5. At least as early as November 2000, I disclosed the inventions of independent claim 1 and claim 16, and at least dependent claims 2-9, 11 and 17-22, to Jerry Meratea, Vice President Sales and Marketing for Ideal Tape Co., Inc., in Lowell, Massachusetts, seeking the assistance of his company in development of my deer tick protection product. He told that me that Ideal Tape was not equipped to handle my project, due in part to its relatively small volume, and he referred me to Precision Tape & Label, Inc., in Uxbridge, Massachusetts.

6. As recited in the accompanying supporting declaration of Deborah Secord, I met with Ms. Secord beginning in November 2000 and worked with her for approximately four months to develop my deer tick protection products. During that period, Precision Tape & Label manufactured a series of prototypes for my evaluation. A number of the prototype protection elements manufactured by Ideal Tape & Label performed acceptably in the manner of my invention, that is, I selected a protection element from a set of protection elements consisting of an elongate substrate having a first, inner surface and an opposite, second, outer surface, a first,

inner adhesive layer adhered upon the first, inner surface of the substrate and having an adhesive surface, and a second, outer adhesive layer adhered upon the second, outer surface of the substrate and having an adhesive surface. I exposed the adhesive surface of the first, inner adhesive layer and applied the adhesive surface to surfaces of my clothing for removable attachment of the protection element adjacent to clothing openings. I then exposed the adhesive surface of the second, outer adhesive layer in a manner to impede advancement of insects crawling upon the clothing surface from proceeding across the adhesive surface toward the clothing opening. During that time period, which was winter, it was not possible to perform testing of the deer tick protection elements in the field, but the testing performed was sufficient to establish to my satisfaction that the invention would work in the intended manner.

7. On the basis of these successful tests, I retained patent counsel and subsequently filed my initial provisional patent application on March 8, 2001.

I hereby declare that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor: PAUL M. COSENZA

Inventor's signature: Paul M. Cosenza

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